MT LEGISLATIVE HISTORY

Chapter 134 1969

Bill (H) 53 S _____ Original bill & hist. ___C

H. Committee on Fish & Game

Hearing Date(s) JAN 15 ✓C

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Date Out _____ ___C

S. Committee on Fish and Game

Hearing Date(s) FEB 8 ✓C

FEB 15 ✓C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HOUSE FISH AND GAME COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 50	Chase game with snowmobiles Nugent	1-7	1-13	Referred to sub-committee 1-13	1-15	DO NOT PASS	KILLED
HB 51	Salmon eggs & fish to be certified free of certain diseases Warfield	1-7	1-8 1-13		1-13	DO PASS	Signed by Governor
HB 52	Tag animals and cut out date and month Baeth	1-7	2/3		2-3	DO PASS	Signed by Governor
HB 53	Protection of grizzly bears Staigmiller	1-7	1-15		1-15	DO PASS AS AMENDED	Signed by Governor
HB 54	Restrict operation of Fish & Game license agents to a single business location White	1-7	1-13		1-13	DO PASS	Signed by Governor
HB 57	F&G Comm. designate areas as state parks, historical sites, etc. & lease such areas Nugent	1-7	1-15		1-15	DO PASS	Signed by Governor
HB 66	Institution residents except the State Prison to fish without a license Rygg	1-7	1-29		1-29	DO NOT PASS	Killed

January 15, 1969

The meeting of the Fish and Game Committee was called to order at 10:40 by Chairman Bill Williams with 12 members present and 5 members absent. Rep. Murphy introduced HB 92 to the committee and said that Senator Broeder would talk on the bill. Sen. Broeder stated that the land in question is on the northeast corner of Flathead Lake at the mouth of the Swan River and that the land had been donated to a Masonic Lodge which owns it now. He stated that there were very few places left on Flathead Lake where the general public could get to the shore, as most of the land is now owned privately.

Wes Woodgerd, Chief of Recreation and Parks for the Fish and Game Commission also spoke in behalf of the bill. He stated that they do not have as much a problem with hippies in the state parks as they do with the cherry pickers. He stated that if there was a small charge for overnight stays, this would eliminate most of the cherry pickers from camping in the state parks for the entire cherry season.

Frank Dunkle of the Fish and Game Commission added that the Commission recognizes the problem and that there will be a charge of $1.50 per unit per night in the state parks in the Flathead area. This money will be used for maintenance of the state park. He also stated that there is a time limit of two weeks' stay in a state park, but people can get around this law by just moving to a different spot in the park every two weeks. He stated that these loopholes in the law should be plugged.

Mr. Woodgerd stated that there are several structures on the property - a chapel, a Masonic meeting lodge, a caretaker's cabin, shop facilities and similar buildings, all in bad need of repair. He said it would take approximately $9,000 to fix up the buildings. They do have a good drilled well and pump. The Highway Department rest area adjacent to the park site has $100,000 worth of improvements already on the land. They would be willing to let the Fish and Game Department use this rest area in conjunction with the proposed park.

Senator Broeder stated that the taxes on the land last year were approximately $1,750.00. The county would lose this tax base, but on the whole they would benefit from the tourist attraction and the revenue from the tourists. Rep. Murphy stated that there is 1500 feet of shoreline in the proposed park site.

Rep. Staigmiller introduced HB 53 to the committee. He stated that there are only a few grizzlies killed each year, and this law would not be a hardship on the people. Wynn Freeman of the Fish and Game Commission stated that the Fish & Wildlife Service killed six grizzlies last year for their skulls to study the habits and ages of the bears. The kill of grizzlies has ranged from 60 to 24 per year since 1947. The Commission has asked hunters to turn the skulls in voluntarily, but no one does, so that is why they are asking for this bill. The head is usually left in the mountains by the hunters. The skulls are not destroyed by the Fish and Game Commission when they study them, and they could be returned to the hunter. It was brought up that few bear skulls are used any more by taxidermists, they use papier-mache. Rep. Knudsen said he thought there should be something in the bill about returning the skull or other parts to the hunters. Mr. Dunkle stated that this had been in the original thinking when the bill was drawn up but there was a problem as to what a reasonable time was for returning the skulls. The Commission does not use the hides.

Rep. Nugent introduced HB 57 to the committee and explained the bill. He stated that they were adding the word "grants" to the bill as the Commission cannot now accept grants. They receive grants now but they come in the name of gifts or bequests. Chairman Williams asked if the Fish and Game could designate a ranch or other similar property as a state park to get out of paying taxes. Frank Dunkle answered and said that federal money cannot be used for designated state parks, so that problem is eliminated. This bill will put order into naming the historical sites, etc. Rep. Polich asked who now has the power to designate historical sites? Mr. Dunkle stated that state parks are designated by the state legislature. Mr. Woodgerd stated that there is no clear definition of who does this now. Congress names some, and the State Land Board can name state monuments.

The witnesses were excused and the committee discussed the bills.

Rep. Schoonover moved and it was seconded that the committee vote DO PASS on HB 92, and refer it to the appropriations committee for further consideration. After discussion, the committee voted unanimously in favor of the motion.

The committee discussed HB 53 and decided to amend the bill as follows: "that the commission shall return to the licensee any bone structure and skull within one year upon written request". It was moved and seconded that the committee vote DO PASS AS AMENDED on HB 53 and the committee voted unanimously in favor of the motion.

Rep. Schoonover moved and it was seconded that the committee vote DO PASS on HB 57. The committee voted unanimously in favor of the motion.

Rep. White reported on the decision of the sub-committee which studied HB's 50 and 70. Rep. Polich moved and it was seconded that the committee vote DO NOT PASS on HB 50. The committee voted unanimously in favor of the motion. Rep. White moved and it was seconded that the committee vote DO PASS AS AMENDED on HB 70. The committee voted unanimously in favor of the motion. The amendment deleted the words "take, capture, shoot or kill" from the bill.

The meeting was adjourned at 12:00 noon.

Bill Williams
Chairman Bill Williams

JCL

February 8, 1969

MINUTES OF THE COMMITTEE

MEETING ON FISH AND GAME

A meeting of the Committee on Fish and Game was called at 12:30 p.m., on Thursday, February 6. Roll call was taken and all members were present.

An amendment was submitted by the committee on Senate Bill No. 14 and was read by Senator Folsom. Senator Moore then asked if there would be any objection to omitting Section 2 of the bill, in addition to the first amendment. Mr. Dunkle, of the Fish and Game Department, said there would be no objection. A motion was then made by Senator Folsom and seconded by Senator Boylan that the amendment to Senate Bill No. 14 DO PASS. A vote was taken and the motion so carried. Senator Northey then moved that Senate Bill No. 14 DO PASS AS AMENDED. It was seconded by Senator Lynch and the vote was unanimous.

Discussion was then turned toward several House Bills which are in committee. The following is a summary of those bills which met favorable consideration by the committee:

House Bill No. 53 is a bill designed to give some added protection to the grizzly. The problem is that the Fish and Game Department needs to know more about the grizzly and if this bill is passed they would have the authority to ask hunters to bring in certain parts of their bear for study.

House Joint Resolution 12 requests that a study be made of the Smith River Canyon to determine the feasibility of establishing a recreational area.

House Bill No. 418 is to allow the Fish and Game Commission to set a season for taking walleyed pike, sauger, and northern pike with a spear.

House Bill No. 70 is to prohibit the use of self-propelled vehicles to harass birds and animals.

Listed below in summary fashion are those bills which met objection by the committee:

House Bill No. 226 proposes a request to permit all residents of state institutions to fish in Montana without a license.

February 15, 1969

MINUTES OF THE COMMITTEE

MEETING ON FISH AND GAME

A Fish and Game Committee meeting was called at 12:30 p.m. on February 13, 1969. Roll Call was taken and all members were in attendance except Senators Keenan and Lynch.

Representative Cashmore appeared as sponsor of House Joint Resolution No. 3. This is a resolution to provide that the superintendent of Yellowstone Park be given the authority to call in members of Montana wildlife and sportsman organizations to be deputized as park rangers and to assist in reducing the population of the elk herds in the park. Senator Boylan was opposed to this issue because he feels that by passing this legislation they would be condoning the killing of great herds of elk. Senator Mitchell replied by stating that without this legislation they would be condoning them to starvation. Senator Shugrue then asked what is done with the meat that is taken. Mr. Dunkle stated that it is first sent to Indian Reservations and after they have filled their needs it is sent to school lunch programs. This ended the discussion on House Joint Resolution No. 3 and the sponsor and members of the Fish and Game Commission were excused.

Senator Mitchell moved that House Joint Resolution No. 3 BE CONCURRED IN and this was seconded by Senator Sparks. A vote was taken and six members were in favor of the motion, with Senators Northey, Shugrue, and Boylan being in opposition.

Senator Mitchell then motioned that House Bill No. 53 BE CONCURRED IN. This was seconded by Senator Folsom and the motion so carried.

Senator Moore moved that House Bill No. 74 BE NOT CONCURRED IN. This was seconded by Senator Boylan and all were in favor.

Senator Folsom then motioned that House Bill No. 226 BE CONCURRED IN. This was seconded by Senator Klindt and the motion carried.

Senator Northey then moved that House Bill No. 336 BE CONCURRED IN and Senator Folsom seconded the motion. All were in favor.

Senator Moore motioned that House Bill No. 418 BE CONCURRED IN. It was seconded by Senator Northey and the motion so carried.

man at the time of his appointment, shall be paid a full-time salary in an amount to be fixed by the governor and shall be the executive director. During his term of membership on the commission, no member shall serve as an officer or committee member of any political party organization. The governor may, at any time, after notice and hearing, remove any commissioner for neglect of duty, malfeasance, misfeasance, or nonfeasance in office."

Amending clause.

Section 2. Section 87-118, R.C.M. 1947, is amended to read as follows:

Divisions.

"87-118. **Divisions.** The commission shall establish two co-ordinate divisions: The Montana state employment service division created pursuant to section 87-132, and the unemployment *insurance* division. Each division shall be responsible to the executive director for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except in so far as the commission may find that such separation is impracticable."

Approved: February 27, 1969.

CHAPTER 133

An Act to Amend Section 31-126, R.C.M. 1947, Deleting the Requirement that an Out of State Resident Possess a Montana Chauffeur's License in Order to Accept Employment from a Montana Resident.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-126, R.C.M. 1947, is amended to read as follows:

What persons are exempt from license.

"31-126. **What persons are exempt from license.** The following persons are exempt from license hereunder:

1. Any person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;

4. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as operator or chauffeur subject to the age limits applicable to chauffeurs in this state;

5. Any nonresident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state of country of such nonresident.

6. A driver's license issued hereunder to any person who enters the united States armed forces, if valid and in force and effect at the time such person enters the service, shall continue in full force and effect so long as such service shall continue unless such license is sooner suspended, revoked or cancelled for a cause as provided by law, and for not to exceed thirty (30) days following the date on which holder of such driver's license is honorably separated from such service. During said thirty (30) day period such license shall be valid only when in the immediate possession of the licensee while driving and the licensee has his discharge, separation, leave or furlough papers in his immediate possession."

Approved: February 27, 1969.

CHAPTER 134

An Act to Protect, Conserve and Manage Grizzly Bear as a Rare Species of Montana Wildlife, to Provide the State Fish and Game Commission with Authority to Promulgate Such Regulations as may be Necessary for the Protection, Conservation and Management of Grizzly Bear, and to Amend Section 26-307, R.C.M. 1947, by

Providing that Such Parts of Grizzly Bear as the Commission Shall Demand Must Be Removed and Delivered to an Officer or Employee of the Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Policy.

Section 1. It is hereby declared the policy of the state of Montana to protect, conserve and manage grizzly bear as a rare species of Montana wildlife.

Authority to provide open and closed sessions.

Section 2. The state fish and game commission shall have authority to provide open and closed seasons; means of taking; shooting hours; tagging requirements for carcasses, skulls and hides; possession limits; and requirements for transportation, exportation and importation of grizzly bear.

Amending clause.

Section 3. Section 26-307, R.C.M. 1947, is amended to read as follows:

Waste of fish or game—hunting or fishing during closed season—killing more than one game animal—exceptions for bear.

"Section 26-307. **Waste of fish or game—hunting or fishing during closed season—killing more than one game animal—exceptions for bear.**

(1) It shall be unlawful and a misdemeanor for any person responsible for the death of any game animal of this state, excepting grizzly, black and brown bear, to detach or remove from the carcass only the head, hide, antlers, tusks or teeth, or any or all of aforesaid parts, or to waste any part of any game animal, game bird, or game fish suitable for food or to abandon the carcass of any game animal in the field, except black and brown bear, which need have removed and taken from the carcass only the head or the hide of such bear, *and except grizzly bear, which need have removed and taken from the carcass only the head and hide and such other parts as the state fish and game commission may demand for scientific purposes. All parts of grizzly bear demanded by the commission for scientific purposes must be delivered to an officer or employee of the commission for inspection as soon as possible after removal and the commission shall return to the licensee any bone structure and skull within one year upon written request. The hide shall be returned immediately.*

(2) It shall be unlawful and a misdemeanor for any person to kill more than one game animal of any one

species, in any one license year, unless the killing of more than one game animal of such species has been authorized by regulations of the fish and game commission.

(3) It shall be unlawful and a misdemeanor for any person during the closed season on any species of game animal, game bird or fish to take, hunt, shoot, kill or capture any such game animal or such game bird or to fish for or catch any such fish."

Effective immediately.

Section 4. This act is effective upon its passage and approval.

Approved: February 27, 1969.

CHAPTER 135

An Act to Amend Section 62-304, R.C.M. 1947, Authorizing the State Fish and Game Commission to Designate Certain Areas as State Parks, Historical Sites, Monuments, or by Such Other Designation as it Deems Appropriate, or to De-Designate Any Area as Designated, and to Name or to Change the Name of Areas as Designated, and Authorizing the Commission to Lease Such Areas as the Commission Deems to be in the Best Interests of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 62-304, R.C.M. 1947, is amended to read as follows:

Powers and duties.

"62-304. **Powers and duties.** The commission is hereby authorized and directed to make a study to determine the scenic, historic, archaeologic, scientific and recreational resources of the state, and shall have power by purchase, lease, agreement, or by acceptance of donations, or condemnation, to acquire for and in the name of the state, any such areas, sites, or objects which in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state historical sites. The commission shall also have power in its discretion to receive and accept in the name of the state, in fee or otherwise, any such areas, sites, or objects conveyed, entrusted, donated, or devised to the state, and with